

SUPREME COURT OF THE STATE OF NEW YORK
COUNTY OF KINGS

Filed: _____

CHRISTOPHER LYLES,

INDEX NO:

Plaintiff,

Plaintiff designates Kings
County as the place of trial.

-against-

THE CITY OF NEW YORK and THE DEPARTMENT OF
CORRECTIONS OF THE CITY OF NEW YORK,

Defendants.

S U M M O N S

The basis of venue is
Plaintiff's residence:
1352 Dickens Street
Far Rockaway, NY 11692

To the above-named Defendant:

YOU ARE HEREBY SUMMONED to answer the complaint in this action and to serve a copy of your answer on the plaintiff's attorneys within 20 days after the service of this summons, exclusive of the day of service of this summons, or within 30 days after service of this summons is complete if this summons is not personally delivered to you within the State of New York.

In case of your failure to answer this summons, a judgment by default will be taken against you for the relief demanded in the complaint, together with the costs of this action.

Dated: New York, New York
August 29, 2019

THE LEVY LAW FIRM, P.C.

By: _____


Jamie B. Levy
Attorneys for Plaintiff
233 Broadway, Suite 2200
New York, New York 10279
(212) 227-1222

THE CITY OF NEW YORK
Corporation Counsel
100 Church Street
New York, New York 10007

DEPARTMENT OF CORRECTIONS OF THE CITY OF NEW YORK
100 Church Street
New York, New York 10007

SUPREME COURT OF THE STATE OF NEW YORK
COUNTY OF KINGS

CHRISTOPHER LYLES,

Plaintiff,

-against-

THE CITY OF NEW YORK and DEPARTMENT OF
CORRECTIONS OF THE CITY OF NEW YORK,

Defendants.

Plaintiff, by his attorneys, THE LEVY LAW FIRM, P.C., as and for his Verified Complaint, respectfully alleges, upon information and belief:

1. The plaintiff, CHRISTOPHER LYLES, at all times herein mentioned was and still is a resident of the County of Queens and the State of New York.

AS AND FOR A FIRST CAUSE OF ACTION

2. That at all times hereinafter mentioned, the defendant, THE CITY OF NEW YORK, was and still is a Municipal Corporation, duly organized and existing under and by virtue of the laws of the State of New York.

3. Within ninety (90) days after the cause of action accrued herein, and more than thirty (30) days prior to the commencement of this action, plaintiff duly presented, served, and filed a Notice of Claim regarding said claim with THE CITY OF NEW YORK, and this action was so commenced within one year and ninety days after said action accrued herein.

4. Upon information and belief, that prior to the commencement of this action, plaintiff duly complied with all the conditions precedent to the bringing of this action, and has complied with the provisions of the statute in such cases made and provided and in a particular, and within ninety days after the cause accrued herein, and more than thirty days prior to the commencement of this action, has duly presented, served and filed a Notice of Claim herein with THE CITY OF NEW YORK for an adjustment of damages sustained by the plaintiff herein, upon which this

INDEX NO:

**VERIFIED
COMPLAINT**

cause of action is based, and that after said THE CITY OF NEW YORK for more than thirty days refused to and neglected to make an adjustment or payment on said claim, said claim remains unpaid and unadjusted, although plaintiff has duly demanded that the same be paid and adjusted.

5. That all hearings required by law have been held.
6. That at all times hereinafter mentioned, defendant THE CITY OF NEW YORK owned the Brooklyn House of Detention located at 275 Atlantic Avenue, in the County of Kings, City and State of New York.
7. That at all times hereinafter mentioned, defendant THE CITY OF NEW YORK operated the Brooklyn House of Detention located at 275 Atlantic Avenue, in the County of Kings, City and State of New York.
8. That at all times hereinafter mentioned, defendant THE CITY OF NEW YORK maintained the Brooklyn House of Detention located at 275 Atlantic Avenue, in the County of Kings, City and State of New York.
9. That at all times hereinafter mentioned, defendant THE CITY OF NEW YORK managed the Brooklyn House of Detention located at 275 Atlantic Avenue, in the County of Kings, City and State of New York.
10. That at all times hereinafter mentioned, defendant THE CITY OF NEW YORK controlled the Brooklyn House of Detention located at 275 Atlantic Avenue, in the County of Kings, City and State of New York.
11. That at all times hereinafter mentioned, defendant, THE CITY OF NEW YORK employed correction officers to work at the Brooklyn House of Detention located at 275 Atlantic Avenue, in the County of Kings, City and State of New York.
12. That at all times hereinafter mentioned, the defendant, THE CITY OF NEW YORK managed the correction officers who work at the Brooklyn House of Detention located at 275

Atlantic Avenue, in the County of Kings, City and State of New York.

13. That at all times hereinafter mentioned, the defendant, THE CITY OF NEW YORK supervised the correction officers to who work at the Brooklyn House of Detention located at 275 Atlantic Avenue, in the County of Kings, City and State of New York.

14. That at all times hereinafter mentioned, the defendant, THE CITY OF NEW YORK controlled the correction officers who work at the Brooklyn House of Detention located at 275 Atlantic Avenue, in the County of Kings, City and State of New York.

15. That at all times hereinafter mentioned, the defendant, THE CITY OF NEW YORK managed the inmates incarcerated at the Brooklyn House of Detention located at 275 Atlantic Avenue, in the County of Kings, City and State of New York.

16. That at all times hereinafter mentioned, the defendant, THE CITY OF NEW YORK supervised the inmates incarcerated at the Brooklyn House of Detention located at 275 Atlantic Avenue, in the County of Kings, City and State of New York.

17. That at all times hereinafter mentioned, the defendant, THE CITY OF NEW YORK controlled the inmates incarcerated at the Brooklyn House of Detention located at 275 Atlantic Avenue, in the County of Kings, City and State of New York.

AS AND FOR A SECOND CAUSE OF ACTION

18. Plaintiff repeats, reiterates and realleges paragraphs "1" through "17", as if more fully set forth herein.

19. That on or about February 20, 2019 at or about 11:00 a.m., while the plaintiff, CHRISTOPHER LYLES was incarcerated at the Brooklyn House of Detention located at 275 Atlantic Avenue in the County of Kings, City and State of New York, was, by a fellow inmate, without justification, cause or provocation, negligently assaulted, battered, lacerated and/or cut with a knife or knife like sharp object.

20. That on or about February 20, 2019, at or about 11:00 a.m., while the plaintiff was

incarcerated at the Brooklyn House of Detention located at 275 Atlantic Avenue, in the County of Kings, City and State of New York was assaulted, battered, lacerated and/or cut with a knife or knife like sharp object by a fellow inmate who was acting under the supervision, control, and direction of one or more correction officers who were acting in the scope of their employment at the time of the incident.

21. As a result of the foregoing assault and battery by the aforesaid security guard plaintiff, CHRISTOPHER LYLES, has suffered serious, permanent physical and psychological injuries, and has been damaged in a sum exceeding the jurisdictional limits of all lower courts that would otherwise have jurisdiction.

AS AND FOR A THIRD CAUSE OF ACTION

22. Plaintiff repeats, reiterates and realleges each and every allegation contained in paragraphs number "1" through "21", as more fully set forth herein.

23. That the defendant, THE CITY OF NEW YORK, its servants, agents, and/or employees, without lawful authority, without basis in law or fact, without just cause, without fear of damage to their property or persons, or the property or persons of others on their property and without provocation of this plaintiff, assault, batter, lacerate and/or cut plaintiff, by a fellow inmate at the supervision, control, and direction of one or more correction officers in the employ of THE CITY OF NEW YORK, all without warning or notice.

24. That on February 20, 2019, the rights of the plaintiff, under the laws, statutes, rules and regulations of the City of New York and State of New York, the United States Government and the Constitutions of the United States and New York, were violated by the defendant, THE CITY OF NEW YORK in the following respects:

- a. Plaintiff was assaulted, battered, lacerated and/or cut while detained and in the custody of the defendant, its agents, servants and/or employees without just cause or provocation.

b. Plaintiff was deprived of rights, privileges or immunities secured by the Constitution and the laws of the United States as provided by the Civil Rights Act (42 U.S.C. §§ 1983 et seq.)

25. That by reason of the aforesaid violation of the rights by the defendant, THE CITY OF NEW YORK, its agents, servants, and/or employees, plaintiff was subject to severe and serious physical and psychological harm in being deprived of his rights secured by the Constitution and laws of the United States.

26. That by reason of the foregoing, plaintiff is entitled to full cost of attorney's fees and costs incurred in prosecuting this action.

27. That by reason of the foregoing, plaintiff, CHRISTOPHER LYLES, has been damaged in a sum exceeding the jurisdictional limits of all lower courts that would otherwise have jurisdiction, together with said attorney's fees and costs incurred in prosecuting this action.

AS AND FOR A FOURTH CAUSE OF ACTION

28. Plaintiff repeats, reiterates and realleges each and every allegation contained in paragraphs number "1" through "27", as more fully set forth herein.

29. That at all times hereinafter mentioned, the defendant, DEPARTMENT OF CORRECTIONS OF THE CITY OF NEW YORK, was and still is a Municipal Corporation, duly organized and existing under and by virtue of the laws of the State of New York.

30. Within ninety (90) days after the cause of action accrued herein, and more than thirty (30) days prior to the commencement of this action, plaintiff duly presented, served, and filed a Notice of Claim regarding said claim with DEPARTMENT OF CORRECTIONS OF THE CITY OF NEW YORK, and this action was so commenced within one year and ninety days after said action accrued herein.

31. Upon information and belief, that prior to the commencement of this action, plaintiff duly complied with all the conditions precedent to the bringing of this action, and has complied

with the provisions of the statute in such cases made and provided and in a particular, and within ninety days after the cause accrued herein, and more than thirty days prior to the commencement of this action, has duly presented, served and filed a Notice of Claim herein with DEPARTMENT OF CORRECTIONS OF THE CITY OF NEW YORK for an adjustment of damages sustained by the plaintiff herein, upon which this cause of action is based, and that after said DEPARTMENT OF CORRECTIONS OF THE CITY OF NEW YORK for more than thirty days refused to and neglected to make an adjustment or payment on said claim, said claim remains unpaid and unadjusted, although plaintiff has duly demanded that the same be paid and adjusted.

32. That all hearings required by law have been held.

33. That at all times hereinafter mentioned, defendant DEPARTMENT OF CORRECTIONS OF THE CITY OF NEW YORK owned the Brooklyn House of Detention located at 275 Atlantic Avenue, in the County of Kings, City and State of New York.

34. That at all times hereinafter mentioned, defendant DEPARTMENT OF CORRECTIONS OF THE CITY OF NEW YORK operated the Brooklyn House of Detention located at 275 Atlantic Avenue, in the County of Kings, City and State of New York.

35. That at all times hereinafter mentioned, defendant DEPARTMENT OF CORRECTIONS OF THE CITY OF NEW YORK maintained the Brooklyn House of Detention located at 275 Atlantic Avenue, in the County of Kings, City and State of New York.

36. That at all times hereinafter mentioned, defendant DEPARTMENT OF CORRECTIONS OF THE CITY OF NEW YORK managed the Brooklyn House of Detention located at 275 Atlantic Avenue, in the County of Kings, City and State of New York.

37. That at all times hereinafter mentioned, defendant DEPARTMENT OF CORRECTIONS OF THE CITY OF NEW YORK controlled the Brooklyn House of Detention located at 275 Atlantic Avenue, in the County of Kings, City and State of New York.

38. That at all times hereinafter mentioned, defendant, DEPARTMENT OF CORRECTIONS OF THE CITY OF NEW YORK employed correction officers to work at the Brooklyn House of Detention located at 275 Atlantic Avenue, in the County of Kings, City and State of New York.

39. That at all times hereinafter mentioned, the defendant, DEPARTMENT OF CORRECTIONS OF THE CITY OF NEW YORK managed the correction officers who work at the Brooklyn House of Detention located at 275 Atlantic Avenue, in the County of Kings, City and State of New York.

40. That at all times hereinafter mentioned, the defendant, DEPARTMENT OF CORRECTIONS OF THE CITY OF NEW YORK supervised the correction officers to who work at the Brooklyn House of Detention located at 275 Atlantic Avenue, in the County of Kings, City and State of New York.

41. That at all times hereinafter mentioned, the defendant, DEPARTMENT OF CORRECTIONS OF THE CITY OF NEW YORK controlled the correction officers who work at the Brooklyn House of Detention located at 275 Atlantic Avenue, in the County of Kings, City and State of New York.

42. That at all times hereinafter mentioned, the defendant, DEPARTMENT OF CORRECTIONS OF THE CITY OF NEW YORK managed the inmates incarcerated at the Brooklyn House of Detention located at 275 Atlantic Avenue, in the County of Kings, City and State of New York.

43. That at all times hereinafter mentioned, the defendant, DEPARTMENT OF CORRECTIONS OF THE CITY OF NEW YORK supervised the inmates incarcerated at the Brooklyn House of Detention located at 275 Atlantic Avenue, in the County of Kings, City and State of New York.

44. That at all times hereinafter mentioned, the defendant, DEPARTMENT OF

CORRECTIONS OF THE CITY OF NEW YORK controlled the inmates incarcerated at the Brooklyn House of Detention located at 275 Atlantic Avenue, in the County of Kings, City and State of New York.

AS AND FOR A FIFTH CAUSE OF ACTION

45. Plaintiff repeats, reiterates and realleges paragraphs "1" through "44", as if more fully set forth herein.

46. That on or about February 20, 2019 at or about 11:00 a.m., while the plaintiff, CHRISTOPHER LYLES was incarcerated at the Brooklyn House of Detention located at 275 Atlantic Avenue in the County of Kings, City and State of New York, was, by a fellow inmate, without justification, cause or provocation, negligently assaulted, battered, lacerated and/or cut with a knife or knife like sharp object.

47. That on or about February 20, 2019, at or about a.m., while the plaintiff was incarcerated at the Brooklyn House of Detention located at 275 Atlantic Avenue, in the County of Kings, City and State of New York was assaulted, battered, lacerated and/or cut with a knife or knife like sharp object by a fellow inmate who was acting under the supervision, control, and direction of one or more correction officers who were acting in the scope of their employment at the time of the incident.

48. As a result of the foregoing assault and battery by the aforesaid security guard plaintiff, CHRISTOPHER LYLES, has suffered serious, permanent physical and psychological injuries, and has been damaged in a sum exceeding the jurisdictional limits of all lower courts that would otherwise have jurisdiction.

AS AND FOR A SIXTH CAUSE OF ACTION

49. Plaintiff repeats, reiterates and realleges each and every allegation contained in paragraphs number "1" through "48", as more fully set forth herein.

50. That the defendant, DEPARTMENT OF CORRECTIONS OF THE CITY OF NEW

YORK, its servants, agents, and/or employees, without lawful authority, without basis in law or fact, without just cause, without fear of damage to their property or persons, or the property or persons of others on their property and without provocation of this plaintiff, assault, batter, lacerate and/or cut plaintiff, by a fellow inmate at the supervision, control, and direction of one or more correction officers in the employ of DEPARTMENT OF CORRECTIONS OF THE CITY OF NEW YORK, all without warning or notice.

51. That on February 20, 2019, the rights of the plaintiff, under the laws, statutes, rules and regulations of the City of New York and State of New York, the United States Government and the Constitutions of the United States and New York, were violated by the defendant, DEPARTMENT OF CORRECTIONS OF THE CITY OF NEW YORK in the following respects:

- a. Plaintiff was assaulted, battered, lacerated and/or cut while detained and in the custody of the defendant, its agents, servants and/or employees without just cause or provocation.
- b. Plaintiff was deprived of rights, privileges or immunities secured by the Constitution and the laws of the United States as provided by the Civil Rights Act (42 U.S.C. §§ 1983 et seq.)

52. That by reason of the aforesaid violation of the rights by the defendant, DEPARTMENT OF CORRECTIONS OF THE CITY OF NEW YORK, its agents, servants, and/or employees, plaintiff was subject to severe and serious physical and psychological harm in being deprived on her rights secured by the Constitution and laws of the United States.

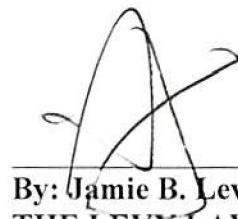
53. That by reason of the foregoing, plaintiff is entitled to full cost of attorney's fees and costs incurred in prosecuting this action.

54. That by reason of the foregoing, plaintiff, CHRISTOPHER LYLES, has been damaged in a sum exceeding the jurisdictional limits of all lower courts that would otherwise

have jurisdiction, together with said attorney's fees and costs incurred in prosecuting this action.

WHEREFORE, the Plaintiff, CHRISTOPHER LYLES, demands judgment against the Defendant in a sum exceeding the jurisdictional limits of all lower courts that would otherwise have jurisdiction on the First Cause of Action; and in a sum exceeding the jurisdictional limits of all lower courts that would otherwise have jurisdiction on the Second Cause of Action; and in a sum exceeding the jurisdictional limits of all lower courts that would otherwise have jurisdiction on the Third Cause of Action; and in a sum exceeding the jurisdictional limits of all lower courts that would otherwise have jurisdiction on the Fourth Cause of Action; and in a sum exceeding the jurisdictional limits of all lower courts that would otherwise have jurisdiction on the Fifth Cause of Action; and in a sum exceeding the jurisdictional limits of all lower courts that would otherwise have jurisdiction on the Sixth Cause of Action; together with the costs and disbursements of this action.

Dated: New York, New York
August 29, 2019



By: Jamie B. Levy
THE LEVY LAW FIRM, P.C.
Attorneys for Plaintiff
233 Broadway, Suite 2200
New York, New York 10279
(212) 227-1222

SUPREME COURT OF THE STATE OF NEW YORK
COUNTY OF KINGS

CHRISTOPHER LYLES,

Plaintiff,

-against-

THE CITY OF NEW YORK and DEPARTMENT OF
CORRECTIONS OF THE CITY OF NEW YORK,

Defendants.

INDEX NO:

**ATTORNEY'S
VERIFICATION**

Jamie B. Levy, an attorney duly admitted to practice law in the State of New York, makes the following affirmation under the penalty of perjury:

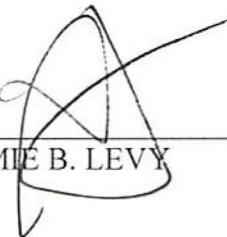
I am a member of the firm of THE LEVY LAW FIRM, P.C., the attorneys of record for the plaintiff.

I have read the foregoing Complaint and know the contents thereof; the same is true to my own knowledge except as to the matters therein stated to be alleged on information and belief and that as to those matters, I believe them to be true.

This verification is made by affiant and not by plaintiff because he is not in the County of New York, which is the County where your affiant maintains offices.

The grounds of affiant's belief as to all matters not stated upon affiant's knowledge are correspondence had with the said plaintiff, information contained in the said plaintiff's file, which is in affiant's possession, and other pertinent data relating thereto.

Dated: New York, New York
August 29, 2019



JAMIE B. LEVY

SUPREME COURT OF THE STATE OF NEW YORK
COUNTY OF KINGS

Index No:

CHRISTOPHER LYLES,
Plaintiff,

-against-

THE CITY OF NEW YORK and DEPARTMENT OF CORRECTIONS OF THE CITY OF
NEW YORK,

Defendants.

SUMMONS and VERIFIED COMPLAINT

THE LEVY LAW FIRM, P.C.
Attorneys for Plaintiff
233 Broadway, Suite 2200
New York, New York 10279
(212) 227-1222